



On March 6, 2023 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

**ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, Chapter 31;

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998*;

AND IN THE MATTER OF allegations respecting the professional conduct of John Fellows, a Social Worker and registrant with the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) electronically, in writing or in person at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers (to be confirmed). The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "Act") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, John Fellows, which allegations were referred to the Discipline Committee pursuant to section 25(1) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the

“Professional Misconduct Regulation”), Schedule “A” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule “B” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**")¹.

I. The following are particulars of the said allegations:

1. Now, and since July 14, 2015, you have been a Registered Social Worker with the Ontario College of Social Workers and Social Service Workers (the “**College**”).
2. Prior to your registration with the College, and subsequent to it, you provided counselling services in your private practice including to clients with substance use, addiction, custody, access, and/or mental health issues.
3. From in or around 1995 or 1996 to in or around September, 2022, you provided counselling services on an off-and-on basis to “the Client”. The Client was a vulnerable client who struggled with substance use and/or addiction issues. The Client had a history of sexual abuse and mental health issues. The Client sought counselling services from you for some or all of those issues. In or around 1995 or 1996, the Client was a minor, and was under the age of 18.
4. During the period from approximately 1995 to February 2022, you also provided counselling services to the Client’s family members, including her brother, mother, and mother’s husband.
5. During an appointment in or around 1995 or 1996, you touched the Client’s knee.
6. During an appointment in or around 1995 or 1996, you requested that the Client discuss specifics of sexual abuse that she experienced in detail.

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

7. During an appointment on or between March 7, 2022 and June 18, 2022, you massaged the Client's back and/or shoulders, and/or stroked the Client's head.
8. During an appointment on or between March 7, 2022 and June 18, 2022, you requested that the Client discuss specifics of her sexual abuse she experienced in detail.
9. You failed to maintain records of all appointments with the Client. Where records were maintained, those records were deficient and/or not legible.
10. On or between March 7, 2022 and June 18, 2022, you failed to discuss and/or involve the Client in the development of a treatment plan and/or goals. You failed to evaluate any progress towards treatment goals together with the Client and/or failed to record any such evaluation. You did not make referrals and/or document that any referrals had been made.
11. You exchanged a number of text messages with the Client, including:
 - a. On or about May 25, 2022, the Client texted you indicating, among other things, "Guy I've known for 30 years in aa came over and GA e him a blow job [*sic*]" and "Now I feel so bad I did that". You said, "Did you hurt him?" and the Client said, "No". You said, "If not then why bother feeling guilty? He probably was grateful".
 - b. During the text exchange on or about May 25, 2022, the Client indicated that she was suicidal. You said, among other things, "How would anyone feel knowing their mother would rather die than look out for them?", and "That is such crap".
 - c. On or about June 4, 2022, the Client texted you stating, among other things, "Might not be able to walk up the steps on Monday..had a very bad fall with the dog this morning" and you replied, "That's okay I'll carry you".
 - d. On or about June 18, 2022, the Client texted you indicating that she wanted to take a break from counselling.

- e. On or about August 1, 2022, the Client texted you saying, among other things, “Miss seeing you!”. You responded, among other things, saying “Miss you too”.
 - f. On or about August 3, 2022, the Client texted you and invited you to her home for “drinks”.
 - g. On or about August 3, 2022, the Client wrote, “Love your cock”. The Registrant replied, “No sexual texts please. My phone is always on. But thank you for the compliment”.
12. You went to the Client’s home on August 3, 2022. In your written response to the College, you indicated that the reason you went to the Client’s home on August 3, 2022 was because you wanted to know how the Client was doing and why the Client wanted to terminate counselling services with you. You attended at the Client’s home on at least two other occasions.
13. From on or about August 3, 2022 to in or around September 2022, you maintained a personal and sexual relationship with the Client. You engaged in frequent texting with the Client, including about a golf tournament that you were involved in.
14. On or about August 6, 2022, the Client texted you, “Come over Monday for 🍷 " and, “I’m sorry about last night”. You responded saying, “Hope you feeling better”. The Client said, “A bit, I think I threw up because I was smoking a big of weed yesterday while drinking, I’m sorry. I’m not drinking king today though [*sic*]”.
15. When the Client initiated behaviour of a sexual nature, you failed to state clearly that this behaviour was inappropriate by virtue of the professional relationship.
16. During your professional relationship with the Client and/or subsequent to the termination of that professional relationship, you engaged in a series of boundary crossings and/or boundary violations relating to the Client, in that you:
- a. socialized with the Client and the Client’s family, including attending the Client’s mother’s wedding and later, visiting the Client’s mother in hospice and attending the Client’s mother’s funeral and/or visitation and/or memorial;

- b. communicated with the Client by text messages for a personal and/or nontherapeutic purpose;
- c. shared details of your life with the Client, including, but not limited to, that you are adopted and/or experienced abuse.

17. During the professional relationship with the Client and/or subsequent to the termination of the professional relationship, you engaged in sexual intercourse or another form of physical sexual relations with the Client and engaged in touching, behaviour, or made remarks of a sexual nature with her, including:

- a. massaging the Client's shoulders and head;
- b. asking the Client to discuss details of her sexual abuse in significant detail;
- c. requesting, having and/or permitting the Client to touch your groin area or genitals;
- d. watching the Client undress (or in a state of undress);
- e. engaging in, requesting, having and/or permitting the Client to perform oral sex; and/or
- f. engaging in sexual intercourse with the Client

18. You engaged in disgraceful, dishonourable or unprofessional conduct, including by engaging in the conduct detailed in paragraphs 1-17 above.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Act*:

- a) in that you violated section 2.2 of the *Professional Misconduct Regulation* and Principle I of the Handbook (commented on in Interpretations 1.1, 1.3, 1.5 and 1.6), by failing to participate together with the client in setting and evaluating goals, and identifying a purpose for your relationship with the client; by respecting and facilitating self determination, including by acting as a resource for clients and encouraging them to decide which problems they want to address as well as how to address them; by failing to be aware

of your values, attitudes and needs and how those impact on your professional relationships with clients; and by failing to distinguish your needs and interests from those of your clients and to ensure that, within professional relationships, clients' needs and interests remain paramount;

- b) in that you violated section 2.2, 2.9 and 2.10 of the *Professional Misconduct Regulation* and Principle II of the Handbook (commented on in Interpretations 2.1, 2.1.1, 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8), by failing to be committed to ongoing professional development and maintaining competence in your practice; by failing to be responsible for being aware of the extent and parameters of your competence and your professional scope of practice and limit your practice accordingly, or informing the client of the option to be referred to another professional; by failing to ensure that clients are protected from the abuse of power during and after the provision of professional services, and by failing to establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients; by engaging in professional relationships that constitute a conflict of interest or in situations in which you ought reasonably to have known that the client would be put at risk in any way; by having sexual relations with clients; by using information obtained in the course of a professional relationship, and using your position of authority to coerce, improperly influence, harass, abuse or exploit a client, former client, student, trainee, employee colleague or research subject; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
- c) in that you violated section 2.2 of the *Professional Misconduct Regulation* and Principle III of the Handbook (commented on in Interpretations 3.7 and 3.8), by failing to assume full responsible for demonstrating that a client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally, in a situation where a personal relationship occurred between you and a client or former client; and by failing to make reasonable efforts to hold a termination session with the client when professional services were discontinued;
- d) in that you violated section 2.2 and 2.20 of the *Professional Misconduct Regulation* and Principle VI of the Handbook (commented on in Interpretation 4.1.1, 4.1.3, 4.1.7, 4.2.1 and 4.2.3 and Footnotes 1, 2 and 3), by failing to record information that conforms with accepted service or intervention standards and protocols within the profession of social work and social service work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the

service/intervention; by failing to keep systematic, dated, and legible records for each client or client system serviced; by failing to comply with the requirements regarding record retention, storage, preservation and security set out in any applicable privacy and other legislation and by establishing clear policies relating to record retention, storage, preservation and security; by using a documentation by exception system that did not permit the total record to capture the minimum content as set out in Footnote 3; by failing to ensure that each client record is stored and preserved in a secure location for at least seven years from the date of the last entry;

- e) in that you violated section 2.2, 2.5, 2.9 and 2.10 of the *Professional Misconduct Regulation* and Principle VIII of the Handbook (commented on in Interpretation 8.1, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.4, 8.6, and 8.7) by failing to be responsible for ensuring that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations with a client; by engaging in touching of a sexual nature of the client; by engaging in behaviour or remarks of a sexual nature towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by failing to seek consultation/supervision and developing an appropriate plan when you developed sexual feelings towards a client that could put the client at risk; by failing to clearly state that a client initiating behaviour of a sexual nature is inappropriate by virtue of the professional relationship; by engaging in sexual relations with a client at the time when professional services were provided; by engaging in sexual relations with a client to whom you provided psychotherapy and/or counselling services, or with respect to whom you have performed the controlled act of psychotherapy;
- f) in that you violated section 2.28 of the *Professional Misconduct Regulation* by contravening the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c. 31, regulations or by-laws; and/or
- g) in that you violated section 2.36 of the *Professional Misconduct Regulation* by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place in writing, either of the parties (including the College and you) may, in accordance with the procedures set out in the *Statutory Powers Procedure Act*, RSO 1990, c S.22 (the “SPPA”) and the Discipline Committee’s Rules of Procedure, seek to require that the hearing be held electronically or orally by satisfying the Discipline Committee that there is good reason for not holding a written hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place electronically, either of the parties (including the College and you) may, in accordance with the procedures set out in the SPPA and the Discipline Committee’s Rules of Procedure, seek to require that the hearing be held orally by satisfying the Discipline Committee that holding an electronic hearing is likely to cause the party significant prejudice.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the 6th day of March 2023.

By: _____
Registrar and CEO
Ontario College of Social Workers and Social Service Workers